

APPENDIX C

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12 Attorneys for Defendant
GOOGLE INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 ORACLE AMERICA, INC.,
17 Plaintiffs,
18 v.
19 GOOGLE INC.,
20 Defendant.

Case No. 3:10-cv-03561 WHA

**GOOGLE'S FINAL PRETRIAL
CONFERENCE WITNESS LIST**

Trial: May 9, 2016
Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

Pursuant to Rule 26(a)(3)(A)(i) of the Federal Rules of Civil Procedure, and Judge Alsup's Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases, Google Inc. ("Google") hereby discloses the following witnesses for the trial of this matter. These disclosures are made based on information that is reasonably available to Google at this time and at this stage of the proceedings. Further investigation and analysis may yield additional information. As additional information becomes available, Google reserves the right to supplement, revise, correct, clarify or otherwise amend these disclosures.

These disclosures are made without waiver of and without prejudice to any objections Google may have regarding the subject matter of these disclosures or individuals identified herein. Google expressly reserves all such objections.

I. WITNESSES GOOGLE EXPECTS TO CALL

Google presently expects to present the following witnesses at the trial of this matter, subject to Google's right to modify this list according to the developments in the case and rulings of the Court.

Name	Manner of Presentation	Substance of Trial Testimony
Owen Astrachan	Live	Dr. Astrachan is an expert retained by Google to testify regarding <i>the copyright infringement assertions made by Oracle and technical aspects of Google's fair use defense to those assertions, as well as providing a general technical background on Java and Android.</i> He will testify <i>on the matters disclosed in his expert reports of January 8, February 8 and February 29, 2016.</i>
Terrence Barr	Live or by Deposition	Mr. Barr is expected to testify regarding the topics on which he testified to in his deposition, including but not limited to the <i>relationship between the Java APIs and the Java programming language; Sun/Oracle's mobile Java products and strategy and problems therewith; Sun/Oracle's decision not to build a smartphone stack; Sun's reaction to and assessment of Android at the time it was released; and lack of market harm caused by Android.</i> He also may testify <i>concerning documents on the exhibit list that were either authored or received by him.</i>
Joshua Bloch	Live	Dr. Bloch is expected to testify regarding the <i>Java and Android platforms; background regarding APIs; work performed by Dr. Bloch on APIs while at Sun and for the Android team; open source generally; the GNU</i>

		<i>Classpath and Apache Harmony projects, as well as OpenJDK; and contributions made by Google to Java. In addition, Mr. Bloch may testify about the interrelationship between the Java programming language and Java SE API libraries, and issues of compatibility and interoperability with the Java programming language. Finally, Dr. Bloch also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified in the first trial and in his deposition.</i>
Dan Bornstein	Live	<i>Mr. Bornstein is expected to testify regarding his work on development of the Android platform and for Google's Android team, and his observations derived therefrom; discussions between Google and Sun regarding a possible technology partnership and the technical aspects thereof; other platforms considered by Google when developing the Android platform; how the Android platform, including components, works, including the ways in which the Android platform made use of the 37 Java SE APIs; alternatives available to Google in designing the Android platform in order to avoid alleged infringement of the copyrights-in-suit; and explanation of the technical issues that accompany designing the Android platform in the first instance. He also may testify concerning documents on the exhibit list that were either authored or received by him, or on the subject matter of declarations submitted in this case and any topics he testified to in the first trial and in his deposition.</i>
John Duimovich	Live or by Deposition	<i>Mr. Duimovich is expected to testify as to the topics on which he testified to in his deposition, including but not limited to IBM's relationship to the Apache Harmony project. This includes, without limitation, IBM's contributions to Apache Harmony; IBM's use of the Java class libraries from the Apache Harmony project in commercial products; and inclusion of Apache Harmony code in the IBM Java 5/6/7 SDK. Mr. Duimovich may also testify about the interrelationship between the Java programming language and the Java SE API libraries, as well as the functional nature of APIs. He also may testify concerning documents on the exhibit list that were either authored or received by him, or on the subject matter of declarations submitted in this case.</i>
Larry Ellison	Live or by Deposition/ Prior Trial Testimony	<i>Mr. Ellison is expected to testify as to the topics on which he testified to in his deposition and in the first trial, including but not limited to negotiations and communications relating to Oracle's acquisition of Sun, including communications about either Java or Android; Oracle's valuation of Java; Oracle's business plans with regard to Java, both pre- and post-acquisition; Oracle's management of Java post-acquisition; Oracle's efforts in the mobile computing</i>

		<i>space; Oracle's participation in and communications with the Java Community Process; his and Oracle's communications to the public, Google and third parties about Android, open sourcing and/or Oracle's defensive use of copyrights; and communications with Google regarding Android. He also may testify concerning documents on the exhibit list that were either authored or received by him.</i>
Craig Gering	Live or by Deposition/Prior Trial Testimony	Mr. Gering is expected to testify as to the <i>topics on which he testified in the first trial and in his deposition, including but not limited to Sun/Oracle's analysis of the Android platform, and Sun/Oracle's Java products and strategy, including problems therewith. He also may testify concerning documents on the exhibit list that were either authored or received by him.</i>
Anwar Ghuloum	Live	Mr. Ghuloum is expected to testify about Google's uses of <i>OpenJDK class libraries to replace the 37 class libraries at issue in this case, including the reasons Google is adopting those class libraries, how the OpenJDK class libraries are being used, and the engineering efforts that have been required to switch from the Apache Harmony class libraries to the OpenJDK class libraries, as well as how the Android platform, including components, works, including the ways in which the Android platform made use of the 37 Java SE APIs. He also may testify concerning documents on the exhibit list that were either authored or received by him and any topics on which he testified in his deposition.</i>
Jon Gold	Live	Mr. Gold is expected to testify regarding <i>financial information concerning Google operations that relate to Android as well as other Google business areas, including but not limited to revenue earned and costs incurred by Google in connection with the design, development and distribution of Android, including financial information related to any agreements with third-parties regarding Android. He also may testify concerning documents on the exhibit list that were either authored or received by him as well as the topics on which he testified in his deposition.</i>
Vineet Gupta	Live or by Deposition/Prior Trial Testimony	Mr. Gupta is expected to testify regarding the <i>topics on which he testified in his deposition and in the last trial, including but not limited to Sun's Java licensing business model, strategies, and practices; negotiations between Sun and Google regarding a potential technology partnership to develop the Android platform; and communications concerning Android. He also may testify concerning documents on the exhibit list that were either authored or received by him.</i>
Andrew Hall	Live	Mr. Hall is an expert retained by Google to testify regarding <i>open-source licensing. He will testify on the matters disclosed in his expert reports of January 8,</i>

		<i>February 8 and February 29, 2016. These matters include, without limitation, different types of open-source licenses; whether and to what extent Google can and could use the accused-infringing declarations/SSO from OpenJDK; and the licensing provisions applicable to the class libraries in OpenJDK (e.g. the Classpath license). Mr. Hall will also testify regarding “linking”—that is, the computer science act of statically or dynamically linking software written by a developer to functionality in Java libraries—as well as how such linking is subject to the Classpath Exception.</i>
Urs Hoelzle	Live	Mr. Hoelzle is expected to testify about Google’s background, history and product development; including but not limited to Google’s search, advertising, and mobile technology; Google-developed APIs and related terms of use; Java background, history and development; and use of aspects of the Java platform, including but not limited to industry use or implementation of the Java APIs. He also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified in his deposition.
Gregory Leonard	Live	Dr. Leonard is an expert retained by Google to testify regarding economic opinions related to the first and fourth fair use factors, including market harm, as well as alleged damages suffered by Oracle as a result of alleged copyright infringement. He will testify on the matters disclosed in his expert reports of February 29, March 10, and March 28, 2016.
Hiroshi Lockheimer	Live	Mr. Lockheimer is expected to testify about the process of developing Android, including his work on development of the Android platform and for Google’s Android team; how Android works; other alternatives considered by or available to Google when developing Android; and issues relating to designing or re-designing the Android platform. He also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified to in his deposition.
Reto Meier	Live	Mr. Meier is expected to testify on topics including but not limited to Google’s communications and relationship with Android application developer partners; the Android platform and applications; the customs and practices of developers in preparing applications for Android and other platforms; and the factors contributing to Android’s success. He also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified in his deposition.
Simon Phipps	Live	Mr. Phipps is expected to testify about Sun’s open source policies and practices, Sun’s release of Java technologies as open source, and in particular

		<i>OpenJDK, and Sun's policies and practices regarding third-party implementation of its APIs. He also may testify concerning documents on the exhibit list that were either authored or received by him</i>
Mark Reinhold	Live or by Deposition/Prior Trial Testimony	Dr. Reinhold is expected to testify regarding the topics on which <i>he testified in his deposition and in the last trial, including but not limited to Java SE 1.4 and 5.0 platforms; differences between Java SE and Java ME, including differences in the number of API packages used in each; classes and methods that are necessary for using the Java programming language and/or provide for compatibility and interoperability with the Java programming language; and whether and to what extent Android passes (or does not pass) the TCK Signature Test for Java SE 1.4 and 5.0. He also may testify regarding Sun's practices and policies relating to alleged Java intellectual property rights, including without limitation whether Android could re-implement the 37 Java SE API packages without needing a specification/TCK license; Sun's communications with Apache and/or communications concerning Apache Harmony; Sun's policies and practices with respect to licensing and open sourcing Java-related software and platforms; and the Java Community Process; and alleged "fragmentation."</i> He also may testify concerning documents on the exhibit list that were either authored or received by him.
Mike Ringhofer	Live or by Deposition	Mr. Ringhofer is expected to testify regarding the topics on which <i>he testified to in his depositions, including but not limited to Oracle's Java business strategy and licensing efforts in multiple markets; Oracle's decision not to build a smartphone stack; lack of market harm caused by Android; and communications with Oracle's expert witnesses. He also may testify concerning documents on the exhibit list that were either authored or received by him.</i>
Hasan Rizvi	Live or by Deposition/Prior Trial Testimony	Mr. Rizvi is expected to testify regarding the topics on which <i>he testified in the last trial and in his deposition, including but not limited to Sun/Oracle's Java business model, strategies, practices, and finances, and strategies regarding Java SE, Java ME, and other mobile-targeted efforts; Oracle's acquisition of Sun; and Oracle's negotiations with Google regarding Android and intellectual property issues related thereto. He also may testify concerning documents on the exhibit list that were either authored or received by him.</i>
Andrew Rubin	Live	Mr. Rubin is expected to testify regarding the <i>efforts and costs incurred in developing and ultimately open sourcing the Android platform; open source generally; Google's efforts to develop a mobile platform, and</i>

1			<i>Google's business model and goals in the mobile market; Google's business and marketing strategies concerning Android; the adoption of the Android platform and factors that have driven demand for it; alternative platforms available to Android; Google's discussions with Sun regarding Android and regarding a potential partnership; and Google's discussions with Oracle concerning Android. He also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified in the last trial and in his depositions.</i>
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6	Billy Rutledge	Live	Mr. Rutledge is expected to testify regarding Google's communications and relationship with Android application developer partners; the Android platform and applications; the customs and practices of developers in preparing applications for Android and other platforms; and the factors contributing to Android's success. He also may testify concerning documents on the exhibit list that were either authored or received by him and topics on which he testified in his deposition.
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11	Jonathan Schwartz	Live	Mr. Schwartz is expected to testify regarding the topics on which he testified to in the last trial and in his deposition, including but not limited to the history of the Java programming language and the Java APIs; his own and Sun's representations to the public, Google, and third parties concerning Java and the licensing of Java; Sun's actions and/or inaction relating to enforcement of its copyrights; Sun/Oracle's position with regard to open sourcing and Open JDK; the Java ecosystem generally; Sun's positions and communications with regards to independent implementations of the Java APIs such as GNU Classpath and Apache Harmony; industry use of and support for third-party implementations such as GNU Classpath and Apache Harmony; discussions between Sun and Google related to Android, both before and after Android was announced/released; his own and Sun's representations to the public, Google and third parties regarding Android; Sun's knowledge of Android; his own and Sun's expectations regarding Android's effect on the Java ecosystem; and negotiations and communications relating to Oracle's acquisition of Sun. He also may testify concerning documents on the exhibit list that were either authored or received by him.
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23	Eric Schmidt	Live	Mr. Schmidt is expected to testify regarding the history of the Java programming language and APIs; Sun's business model for Java during his tenure at Sun; the functional nature of APIs, and the difference between APIs and implementing code; communications between Sun and Google both before and after Google's announcement / release of Android; Google's efforts to develop a mobile platform, and Google's business
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		model and goals in the mobile market; <i>communications with Oracle regarding Android; Google's background, history, product development, advertising business, search business, and revenues; and Sun's communications to the public and third parties about Sun's position on licensing and enforcement of copyright rights.</i> He also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified to in the last trial and in his deposition.
Itamar Simonson	Live	Dr. Simonson is an expert retained by Google to testify regarding issues related to the alleged damages suffered by Oracle as a result of alleged copyright infringement. He will testify on the matters disclosed in his expert report of February 8, 2016.
Henrik Stahl	Live or by Deposition	Mr. Stahl is expected to testify regarding the topics on which he testified to in his deposition, including but not limited to Oracle's Java business and product strategy; Sun/Oracle's Java products and features thereof; Oracle's decision not to build a smartphone software stack or invest in mobile devices, and the reasons therefor; the mobile device market generally; OpenJDK, including its purpose, uses by third parties, and impact on Oracle's business; Oracle's positions regarding Apache Harmony; the actual and potential markets for Java; and lack of market harm caused by Android. He also may testify concerning documents on the exhibit list that were either authored or received by him.

II. WITNESSES GOOGLE MAY CALL

Google may call the following witnesses at the trial of this matter, subject to Google's right to modify this list according to the developments in the case and rulings of the Court.

Name	Manner of Presentation	Substance of Trial Testimony
Patrick Brady	Live	Mr. Brady may testify regarding topics on which he testified to in the last trial and in his deposition, including but not limited to the manner in which Google distributes Android source code; and Google's knowledge, or lack thereof, regarding how users of that source code may modify it for use in their devices. He also may testify concerning documents on the exhibit list that were either authored or received by him.
Alan Brenner	Live or by Deposition	Mr. Brenner may testify regarding topics on which he testified in his deposition, including but not limited to Sun's Java business model, strategies, practices and finances; negotiations between Sun and Google

Name	Manner of Presentation	Substance of Trial Testimony
		regarding a potential technology partnership to develop a mobile platform; and <i>Sun's communications and business relationships with Google</i> . He may also testify <i>concerning documents on the exhibit list that were either authored or received by him</i> .
Rick Cattell	Live	Dr. Cattell is a former Sun employee and has also been retained as an expert by Google. Dr. Cattell may offer <i>fact and expert testimony about Application Programming Interfaces ("APIs"), including what APIs are, why APIs and the re-implementation of APIs are important, and industry practices regarding APIs</i> .
Safra Catz	Live or by Prior Trial Testimony	Ms. Catz may testify regarding the <i>topics on which she testified to in the last trial, including but not limited to</i> negotiations and communications leading to Oracle's acquisition of Sun, including communications about either Java or Android; Oracle's valuation of Java; <i>Oracle's business plans with regard to Java, both pre- and post-acquisition; Oracle's management of Java post-acquisition; Oracle's efforts in the mobile computing space; pre-lawsuit communications with Google regarding Android; and Oracle's communications to the public, Google, and third parties about Android, open sourcing and/or about Oracle's defensive use of copyrights</i> . She also may testify <i>concerning documents on the exhibit list that were either authored or received by her</i> .
Leo Cizek	Live or by Deposition/Prior Trial Testimony	Mr. Cizek may testify regarding the <i>topics on which he testified to in the last trial and in his deposition, including but not limited to</i> Sun's communications and business relationships with Google, and about Sun's practices concerning enforcement of Sun's alleged intellectual property rights. He also may testify <i>concerning documents on the exhibit list that were either authored or received by him</i> .
David Hofert	Live or by Deposition	Mr. Hofert may testify regarding the <i>topics on which he testified to in his deposition, including but not limited to</i> Oracle's Java business and product strategy; Sun/Oracle's Java products and competition in the markets for those products; Oracle's decision not to build a smartphone software stack or invest in mobile devices, and the reasons therefor; the mobile device market generally; OpenJDK, including its purpose, uses by third parties, and impact on Oracle's business; the actual and potential markets for Java; and lack of market harm caused by Android. He also may testify <i>concerning documents on the exhibit list that were either authored or received by him</i> .
Jim Kolotouros	Live	Mr. Kolotouros may testify regarding <i>Google's dealings with its business partners in relation to Android, including but not limited to strategic</i>

Name	Manner of Presentation	Substance of Trial Testimony
		<i>initiatives, search distribution deals, financial information concerning Google operations that relate to Android, and the Android ecosystem generally. He also may testify concerning documents on the exhibit list that were either authored or received by him and the topics on which he testified to in his deposition.</i>
Thomas Kurian	Live or by Prior Trial Testimony	Mr. Kurian may testify regarding the <i>topics on which he testified to at the last trial</i> , including Oracle's Java business, licensing, and product strategy; Oracle's decision not to develop or buy a smartphone stack; OpenJDK, including its purpose, uses by third parties, and impact on Oracle's business; and pre-lawsuit discussions with Google regarding Java. He also may testify concerning <i>documents on the exhibit list that were either authored or received by him.</i>
Scott McNealy	Live or by Prior Trial Testimony	Mr. McNealy may testify regarding the <i>topics on which he testified to at the last trial</i> , including but not limited to, Oracle's acquisition of Sun, including communications about either Java or Android; <i>Sun's valuation of Java pre-acquisition</i> ; his and Sun/Oracle's communications to the public, Google and third parties about Android, open sourcing and/or Sun/Oracle's defensive use of copyrights; and communications with Google regarding Android. He also may testify concerning <i>documents on the exhibit list that were either authored or received by him.</i>
Larry Page	Live	Mr. Page may testify regarding Google's acquisition of Android; negotiations between Sun and Google for a potential technology partnership in the mobile computing space; Google's efforts to develop a mobile platform, and Google's business model and goals in the mobile market; communications with Sun and/or Oracle regarding Android; and Google's background, history, product development, <i>advertising business, and revenues</i> . He also may testify concerning <i>documents on the exhibit list that were either authored or received by him and the topics on which he testified to at the last trial and in his deposition.</i>
Georges Saab	Live or by Deposition	Mr. Saab is expected to testify regarding the <i>topics on which he testified to in his deposition</i> , including but not limited to Sun/Oracle's Java products and strategy, <i>dealings with Sun/Oracle customers</i> , and issues related to Java licensing. He also may testify concerning <i>documents on the exhibit list that were either authored or received by him.</i>
Edward Screven	Live or by Deposition/Prior Trial Testimony	Mr. Screven may testify regarding the topics on which he testified to at the last trial and in his deposition, including but not limited to <i>government reports concerning Oracle's acquisition of Sun's intellectual property rights concerning Java as part of the acquisition of Sun</i> ; Oracle's position regarding Apache

Name	Manner of Presentation	Substance of Trial Testimony
		Harmony; the different Java platforms and lack of compatibility between them; and the mobile device market generally. He may also testify <i>concerning documents on the exhibit list that were either authored or received by him.</i>
Edward Senteno	Live or by Deposition	Mr. Senteno may testify regarding the topics on which he testified to in his deposition, including but not limited to Oracle's Java business and product strategy; Java licensing; Java related costs, revenues, profits, projections, and other financial metrics. He may also testify <i>concerning documents on the exhibit list that were either authored or received by him.</i>
Donald Smith	Live or by Deposition	Mr. Smith may testify regarding the topics on which he testified to in his deposition, including but not limited to Oracle's Java products and business strategy, and licensing efforts in multiple markets; Oracle's decision not to build a smartphone stack; the relationship between the Java language and APIs; Oracle's position regarding Apache Harmony, GNU Classpath, <i>and other independent implementations of the Java APIs</i> ; and lack of market harm caused by Android. He also may testify <i>concerning documents on the exhibit list that were either authored or received by him.</i>
Mark Wayne	Live or by Deposition	Mr. Wayne may testify regarding the topics on which <i>he testified to in his deposition</i> , including but not limited to Sun/Oracle's licensing of Java products. He also may testify <i>concerning documents on the exhibit list that were either authored or received by him.</i>
Susan Wojcicki	Live	Ms. Wojcicki may testify regarding Google's background, history, product development, <i>advertising business, revenues, and potential sharing of revenues; factors that have driven revenue and profitability in Google's search and advertising business; and the relationship, if any, between that business and the mobile technology business and/or Android.</i> She also may testify <i>concerning documents on the exhibit list that were either authored or received by her and the topics on which she testified to in her deposition.</i>
Oracle's Rule 30(b)(6) corporate Designees	Live or by deposition	<i>Oracle's Rule 30(b)(6) corporate designees may be called to testify to the topics testified to in their depositions.</i>
Oracle's Custodian of Records	Live	<i>Oracle's custodian of records may be called to testify as to the authenticity and/or business records status of documents on exhibit list (in the event of a dispute among the parties over authenticity or business records status).</i>

1 In addition to the witnesses identified above, Google may call witnesses for rebuttal and
2 may call witnesses identified on Oracle's witness list. Google will counter-designate testimony
3 of various witnesses designated by Oracle pursuant to Judge Alsup's Guidelines for Trial and
4 Final Pretrial Conference in Civil Jury Cases. Should Oracle introduce any deposition testimony
5 it has designated for witnesses not at trial, Google reserves the right, in rebuttal, to introduce the
6 testimony it has counter-designated.

7 Dated: April 20, 2016

KEKER & VAN NEST LLP

9 By: /s/ Robert A. Van Nest

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11 CHRISTA M. ANDERSON
DANIEL PURCELL

12 Attorneys for Defendant
13 GOOGLE INC.
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